

REMARKS

Claims 1-28 were examined in the Final Office Action mailed June 5, 2007.

Claims 1-9 and 16-22 stand rejected under 35 U.S.C. § 103(a) as unpatentable over newly-cited U.S. Patent No. 3,384,203 to Walther, *et al.* ("Walther) in view of U.S. Patent No. 1,737,332 Pugh, *et al.* (Pugh).

Claims 10-15 and 23-28 stand rejected under § 103(a) as unpatentable over Walther and Pugh, in further view of U.S. Patent No. 2,655,237 to Benson ("Benson").

In response to the Applicant's March 15, 2007 Amendment, the Examiner has cited the Walther reference (an example of a typical inside-the-wheel-rim brake disk) as teaching the majority of the brake disc limitations recited in the pending claims, and then cites the Pugh reference as teaching the use of "a friction portion (h) [which] is outboard of the wheel rim (c)," with the friction portion having "an outer radius greater than a greatest inner radius of the wheel rim." June 5, 2007 Final Office Action at 2-3.

Setting aside for the moment (and without waiving) the issue that the Pugh brake is not a disk brake but instead teaches a configuration for a drum brake, the Applicant respectfully draws the Examiner's attention to the fact that Pugh element (c) is not a wheel rim, and therefore this reference does not teach the feature(s) for which it is cited.

The Pugh patent issued from a patent application filed on October 27, 1926. It is well known in the automotive arts that virtually all automobiles in this era

were equipped with wire wheels (and corresponding axle hubs to receive such wheels). Thus, contrary to the statement in the Office Action, element (c) is not a wheel rim, *but the hub portion of a wire wheel, with the hub lying at the center of a constellation of wire spokes radiating inward from the not-illustrated wheel rim.*

This is confirmed by:

(i) the Pugh specification, which refers to “hub parts a, a₁” which engage “frusto-conical belts c, c₁” (*i.e.*, these are all hub-region parts)(Pugh page 2, col. 1, ll. 20-29);

(ii) illustration in all of the figures of an era-typical wire wheel mounting hub (large nut, end cover cap, etc.);

(iii) illustration in all of the figures *of the wire spokes at the hub* (most wire wheels of the era had two “layers” of spokes which met at their outer end at the wheel rim, *i.e.*, one layer of spokes that extended from the remote wheel rim to the rear side of the hub, and second layer of spokes that extended from the remote wheel rim on the front side of the hub – exactly the illustrated configuration here, where rear layer wire spokes are represented by the spoke end near element label (j) in Fig. 3, front spoke layer wire spokes are represented by the spoke end near element (a¹), and the front and rear spokes are angled toward one another to meet at the outer wheel rim in the conventional manner);

(iv) the fact that none of the figures illustrates a component that could be a wheel rim, *i.e.*, while the hub (a)/belt (c) structure has a raised lip adjacent to the rear layer of spokes (actually present to reinforce the inner rim of the hub to combat

spoke pull-out), there is no corresponding lip on the outer end of the hub and thus no way to retain a tire on the structure – assuming, of course, that there would have been some way to mount a tire in the first place, in view of all of the spokes crossing the area.

Because Pugh only teaches a then-conventional wire wheel hub arrangement and its associated drum brake, and moreover only a brake drum well inside the wheel rim (mere extension of the wire spokes' lines in Fig. 3 to their place of approximate meeting at the wheel rim will demonstrate that the not-illustrated wheel rim must be far outside the Pugh brake drum), the Applicant respectfully submits that this reference does not teach or suggest the claimed brake disk having a "friction portion has an outer radius greater than a greatest inner radius of the wheel rim." Accordingly, the present invention would not have been obvious to one of ordinary skill in the art considering Walther's conventional prior art brake disk and Pugh's smaller-than-wheel-rim drum brake. Reconsideration and withdrawal of the pending rejections based on the combination of Walther and Pugh is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicant respectfully submits that claims 1-28 are in condition for allowance, and requests withdrawal of the pending rejections. Issuance of a Notice of Allowance for these claims is respectfully requested.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #011351.52877US).

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Respectfully submitted,



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